

**ROAN NOT LIKELY
TO HEAR PLEA
FOR
NEW FRANK
TRIAL**

Although He Would Like
to Do

So, There Is, Little
Probabil-

ity That Case Will
Reach

Him in Time

While Judge L. S. Roan, who presided at the trial of Leo M. Frank, is ready and willing to hear the motion for a new trial in the case, it still appears unlikely that the motion will be argued for several weeks, or before he becomes a judge of the court of appeals.

Saturday the amended motion for a new trial had not been served upon the solicitor by Frank's attorneys, and naturally he cannot commence the preparation of his answer and his brief until after he has been served, and knows the exact grounds upon which the motion is based.

Judge Roan, is anxious to dispose of all business pending before him before he takes his seat on the appellate court bench. Saturday morning he instructed the solicitor general to have all pending motions set for October 4 and October 11 in order that he might dispose of all cases by the last named date, and the solicitor stated that this would be done as far as possible.

At the same time Judge Roan asked if the prosecuting officer had yet been served with the amended motion in the Frank case and the latter replied that he had not.

"I had hoped that the matter might be disposed of in the next two weeks," the court remarked, and the solicitor replied that when he was served that he would make every effort to get ready as quickly as possible to argue the motion.

That the solicitor will be able to get ready with his side of the case within two weeks from the time he is served with the amended motion is not considered probable.

Should the defense of Frank charge that jurors were prejudiced before they were chosen, it might take the solicitor several weeks to get evidence in rebuttal of that introduced by the defense.

The record of the evidence in the case is so long that it will take the solicitor probably a week just to read it, and the preparation of his brief will take probably another week.

The case is an important one, not be slurred over, and as a result there is little probability of it being argued before the 13th of next month, when according to present arrangements Judge Ben H. Hill is expected to exchange pieces with Judge Roan.

As a result of the question of which of the superior court judges will the Frank motion is still an open one.

The position of Judge Roan in the matter is that the case was tried before him, and that naturally he should pass upon the motion if possible. In addition, he is desirous of leaving just as little unfinished business as possible to his successor.

But if the motion can't be heard before the 13th of October it is not considered probable that he will postpone the taking of his seat on the appellate bench simply in order to hear the Frank motion.

Such action is possible, but in view of the congested condition of the courts it is not probable.

When on the appellate bench Judge Roan will be disqualified to pass upon any case tried by him in the superior court, and for that reason, he does not wish to hear any more cases in the superior court.

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ROAN NOT LIKELY

TO HEAR PLEA FOR NEW FRANK TRIAL

(Continued From Page 1.)

Therefore, if Judge Hill does not take up the work in the superior court by October 13, it will mean that the court calendar will become still more congested and all officials are trying to guard against this contingency.

There are now in jail 125 felony prisoners, some of whom have been awaiting trial for several months. There are eight or ten murder cases in the lot, and other serious felonies which it will take the court some time to try. As a result, the superior court must grind regularly for several months before the jail is cleared. There are many hundreds of bond cases, several of them years old, which the court should dispose of.

It has been more than two months since the criminal division of the superior court was in session, and new arrests have been made daily.

The number of pending cases is constantly increasing, and for that reason it is regarded as likely that despite the Frank case, Judge Roan and Judge Hill will exchange places on October 13 and the latter will immediately commence disposing of the pressing business.

J. W. Coleman, step-father of Mary Phagan, conferred with Chief Lanford, of the detectives over an hour last night, presumably in connection with the Frank case.

At the conclusion of the conference, however, neither Mr. Coleman nor the chief would say what it was about.

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INDICTMENTS AGAINST L. C. THURMAN DROPPED

Four indictments, charging atrocious offenses to L. C. Thurman, for many years well known in Atlanta, were nolle pressed by Judge L. S. Roan Saturday morning on the recommendation of the solicitor general.

Rosamund Thurman, aged seven, and her five-year-old sister, were the principal witnesses on whose testimony the indictments against their father were returned more than a year ago.

In recommending that the cases be dropped without cost to the defendant, Solicitor Dorsey told the court that he had been informed that the little girls now say that they were told to make the startling charges against their father by their mother and grandmother.

The mother, the solicitor said, bears a bad reputation, while the father's general character is excellent.

Judge Roan followed the solicitor's recommendation.